

OLC: 78-4044
1 September 1978

OLC 11/11/78

MFR

MEMORANDUM FOR: Deputy Legislative Counsel

STAT FROM :
Assistant Legislative Counsel

SUBJECT : Short and Long-Term Problems

1. You asked for an evaluation of short and long-term problems facing OLC. This memorandum responds to that request. It deals first with the way the Office is organized to cope with the general types of problems it handles. This section includes an assessment of some operational difficulties and offers several suggestions for overcoming them. The second section discusses a number of substantive problem areas.

OLC Organization

2. I believe that the three-staff structure makes sense and ought to be maintained. The issue here is whether there is a need for a separate Coordination and Review Staff. It is true that both the Liaison and C&R Staffs have seemingly similar liaison responsibilities, but there are important differences between these liaison roles. Liaison Staff deals mainly in continuing relationships with permanently established committees, while C&R is engaged in liaison relationships with a group of transient investigative-type committees and subcommittees whose composition varies over time. The issues involved in dealings with these assorted investigatory groups tend to be more legalistic (Memorandums of Understanding, Nondisclosure Agreements, limits of access to Agency material, etc.) and less involved with ongoing substantive intelligence production, the budget cycle, or real-time oversight of the Agency. The complexity of the investigative issues requires full-time management attention at the Staff Chief level. Combining the two Staffs under one manager who would inevitably accord the investigative liaison accounts secondary importance would be a risky proposition. What we do need, I believe, are Staff designations that more accurately reflect functional realities. I would suggest, therefore, that Liaison Staff be renamed Oversight Liaison Staff (OLC/OLS), and that C&R be renamed Operations and Issues Staff (OLC/OIS).

3. C&R Staff also handles a number of other accounts, including FOIA, preparation of the weekly book, referrals of inquiries by Liaison Staff and special projects assigned by the Legislative Counsel and his Deputy. C&R Staff was envisaged as the place where longer range office planning and problem solving would take place, but this has not fully materialized. This, I would submit, has been the case for two key reasons:

-- No staff can be both a full-time think tank and an operating arm of the office;

-- It is unrealistic to expect one staff to perform forecasting and planning functions for the entire office, especially when realistic planning requires intimate familiarity with current problems.

4. My point is that to a great extent each officer in OLC must be responsible for thinking ahead and planning to cope with the problems likely to arise in his own area of responsibility. A Staff like C&R can be useful in such efforts, but it would be disastrous for its existence to be viewed as an excuse for the rest of the Office not to be concerned with planning for the future.

5. What C&R can do best is to take hold of issues that cut across Staff lines; devise strategies for handling them; coordinate these proposed solutions within and outside the Office; and see to it that they are approved at appropriate levels and implemented. Recent work done on the compartmented clearances issue is a case in point. What this kind of work requires is a clear delegation of authority over a particular issue area, even where this ostensibly conflicts with the responsibilities of other Staffs. I believe that the tendency to deal with issues principally according to the context in which they arise, rather than on the basis of their substance, is one of the Office's weak points. There is little to be gained from having issue "case officers" who have neither the information nor the bureaucratic mandate to deal with all the ramifications of a problem. I must hasten to say that I am not suggesting that such authority always be delegated to C&R; on the contrary, the appointment of issue case officers should always be made on the basis of subject expertise and degree of involvement on the part of particular individuals and Staffs.

6. C&R can also do some longer range think tank type work. For purposes of planning along these lines it would be well to keep the following realities in mind.

-- The burden of dealing with investigative committees and subcommittees will vary over time, but it will never disappear completely. Some of the groups we presently deal with are approaching the end of their mandates and will soon expire. We would be foolhardy, however, to assume that no other issues and committees will arise to take their place; in fact, it is almost certain that this will happen.

-- C&R control over the use of its resources is limited by its responsibility for handling referrals from Liaison Staff, and the fact that special tasking from top management usually involves items that must be given high priority. Assuming the continued existence of separate Liaison and C&R Staffs, I offer the following suggestions regarding referrals:

- All referrals should be made from the Chief/Legislation Staff to the Chief/C&R Staff to assure management oversight and control on both ends of the exchange.
- Incoming inquiries likely to be answered by C&R should be routed directly to the Chief/C&R. The present system of routing through Liaison Staff serves no logical purpose.

7. The only practical way to assure the maintenance of a broad long-term planning capability may be the institution of a rotational system whereby individual OLC officers would be relieved of their regular assignments for specified periods to work on particular planning projects. These assignments would vary in length from a few weeks to a few months depending on the complexity of the subject matter involved.

8. OLC has suffered from a lack of attention to managerial problems. It is unfair to ask a Deputy Legislative Counsel or Staff Chief with enormous substantive responsibilities to also function in what is essentially an Executive Officer capacity. Ideally, we would have a full-time Executive Officer, but the Office is probably too small to justify such a position. There is a backlog of problems that requires the full-time attention of a senior officer, however, and I would recommend the assignment of a Staff Chief-level officer to the position of temporary Executive Officer for such time as is necessary to put this Office on a firm administrative footing.

9. The reading board provides an essential means of keeping up with substantive issues being handled by colleagues, but there are two key problems with this mechanism: it is neither timely nor complete. I would suggest the establishment of a real-time reading board in the Front Office, complete with copies of all attachments to letters and memoranda.

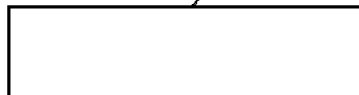
10. A final suggestion regarding Office routine. When we prepare letters for the signature of the Legislative Counsel or the DCI, why not wait at least for Legislative Counsel sign-off before preparing and addressing copies. A great deal of valuable secretarial time could be saved if we were to eliminate the need to re-do distribution copies when changes are made.

Substantive Problems

11. The following are some of the substantive issues that I believe merit our attention:

- Compartmented Clearances: Several problems remain in getting the Guidelines and Procedures implemented. The "S. Res. 4" issue is one of these. We will have, at some point, to deal with the sticky problem of actually withdrawing compartmented access approvals from some personal staffers.

- Community Memorandums of Understanding: You will recall that we have experienced a notable lack of success in efforts to work out Community-wide MOUs in relation to various investigative-type committees' access to intelligence information. The problems involved here will remain pertinent even after the current group of investigative committees are replaced by others.
- Dissemination of Finished Intelligence to the Congress: I believe that this is one of the most important longer range problems we have. It involves questions relating to the dissemination of both classified and unclassified Agency intelligence production on the Hill. There are still serious shortcomings in this Office's knowledge about finished intelligence production, and OLC is not playing the role that it could in helping to score points for the Director through judicious distribution of finished intelligence. I have taken some steps to improve this situation, but a Front Office initiative will be needed eventually.
- Potential Effect of the 1978 Election on our Congressional Relationships: This is obviously something to which all Staffs must contribute. I think we should be planning for pre and post-election reports to the Director.



Assistant Legislative Counsel

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